IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18257 of 2004

Between:

1 K.Srinivas, S/o.K.V.Pullaiah,
R/o.Owk V&M, Kurnool Dist.
2 A.Bala Reddy, S/o.Nagi Reddy,
R/o.Owk V&M, Kurnool Dist.
3 K.Laxmi Devi, W/o.K.V.Pullaiah,
R/o.Owk V&M, Kurnool Dist.

..... PETITIONERS

AND

1 The A.P.C.P.D. Co.Ltd., Singareni Bhavan, Redhills, Hyderabad, rep.by its Chairman & M.D.,
2 The Divisional Electrical Engineer (Operations), CPDCL.,Nandyal, Kurnool Dist.
3 The Asst. Engineer (Operations) CPDCL, Owk village & Mandal, Kurnool Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondents in releasing the supply of power to the petitioners agricultural connection pursuant to the sanction of the supply by the 2nd respondent vide Memo No.DEE/O/NDL/Com1./E/D.No 563/2003 dt. 17-07-2004 as illegal, arbitrary and violative of Article 14 and 21 of the constitution of India and consequently direct the respondents to forthwith release the supply of power to the petitioner agricultural connections.

Counsel for the Petitioner : MR. C.V.NAGARJUNA REDDY

Counsel for the Respondents : SMT.M.VINOBHA DEVI, Standing Counsel

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITON NO.18257 OF 2004

ORAL ORDER :

The petitioners who are three in number filed this writ petition seeking a declaration that the inaction on the part of the respondents in releasing the supply of power to the petitioners agricultural connection pursuant to the sanction order of the second respondent dated 17-07-2004 as arbitrary and illegal.

The case of the petitioners is that pursuant to the notification issued by the State introducing Tatkal Scheme for speedy processing of applications for agricultural service connections, the petitioners applied for service connections. The applications were registered and the petitioners were directed to pay a sum of Rs.5,600/- towards development charges. They paid the amounts on 24-06-2004 and thereafter the third respondent inspected their fields situated in Sy.Nos.161, 139 and 161 of Owk Village and made a detailed estimate and the same was sent to the Divisional Electrical Engineer (Operations), Nandyal, the second respondent herein on 09-07-2004. The second respondent after going through the detailed estimate sent by the third respondent, sanctioned the power supply to the petitioners vide proceedings dated 17-07-2004 and by letter dated 31-07-2004 requested the

Superintending Engineer (Operations), Kurnool for allotment of material for the purpose of laying the electric line. In pursuance thereof, the Superintending Engineer (Operations circle), Kurnool vide Memo dated 06-08-2004 allotted the material sought for and thereafter the laying of electric lines to the fields of the petitioners and the installation work was completed in August, 2004 itself. However, the grievance of the petitioners is that the supply of power has not been released so far. Hence, this writ petition.

The learned Standing Counsel for the respondents, under instructions, states that though it is true that the petitioners have paid the amounts as required under the Scheme, now the Government has taken a policy decision to stop fresh service connections for sometime in view of the unauthorized service connections under which energy is being misused.

Admittedly, the request of the petitioners under Tatkal scheme has already been considered and the sanction orders were issued by the Divisional Electrical Engineer (Operations), Nandyal, who is the competent authority. It is also not in dispute that even the electric lines have been laid long back. If that be so, the respondents are not justified in withholding the power supply on the ground of a subsequent policy decision. Nothing has been placed before this Court to show that the sanction order was not in accordance with the scheme under which they applied for service connections.

In the circumstances, the Writ Petition is disposed of with a direction to the respondents to release the supply of power to the petitioners agricultural connections within two weeks from the date of receipt of this order in terms of the sanction order issued by the second respondent dated 17-07-2004. No costs.

13th October, 2004.

gbs

To

1. The Chairman & M.D., A.P.C.P.D. Co.Ltd., Singareni Bhavan, Redhills, Hyderabad.

2 The Divisional Electrical Engineer (Operations), CPDCL.,Nandyal, Kurnool Dist.

3 The Asst. Engineer (Operations) CPDCL, Owk village & Mandal, Kurnool Dist.

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